

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
January 12, 2016
7:30 p.m.

Town Council: Present-Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; Doug Shaffer; David Tollett

Staff: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Neal White, Chief of Police; Ann Phillips, Town Clerk

Press: Val Van Meter, Winchester Star

1. Call to Order

Mayor Kirby called the meeting to order at 7:30 p.m.

2. Pledge of Allegiance

3. Public Hearings

Mayor Kirby said that because of an advertising error, the scheduled public hearings could not be held. He said that the Town Council would receive public comment on the subjects, but hearings would be rescheduled for next month.

A. Spot Blight Abatement Plan

Mr. Dalton said that the Mayor had been authorized to send letters to legislative representatives seeking assistance in having FNMA respond to the blight following a fire at 203 Moore Drive. He said that Senator Warner's and Representative Comstock's offices have responded, and that a teleconference with FNMA staff had been held. Mr. Dalton said FNMA has made a proposal to make the structure watertight and remove debris within three weeks. He said he responded by recommending the Town temporarily suspend the blight abatement plan process while FNMA does the needed repairs. He added that FNMA is citing insurance issues as the reason for the delay in their response to the blight issue.

The Mayor recognized Donna Marie McDonald of 101 Cameron Street, Berryville, who represents the Battletown Homeowners Association where the blighted property is located. Ms. McDonald said that there are covenants on the properties in the neighborhood. She said the covenants address repairs and responsibility for damage caused by an adjoining property owner. She said her association appreciates the Town's support as they seek help from FNMA to repair the property.

B. Proposed Text Amendment to Berryville Zoning Ordinance

Mayor Kirby recognized Alton Echols of 400 Custer Court, Berryville, who is requesting an increase in the square footage of a convenience store as an accessory use to automobile service and repair establishments from 2000 to 5500 square feet in the Business Commercial zoning district. Mr. Echols said that he now needs only 4550 square feet to build what he is planning, and suggested that it promotes other business development to locate nearby.

4. Approval of Minutes

Upon motion of Council Member Kitselman, seconded by Recorder Arnold, the minutes of the December 8, 2015 meeting were approved as follows:

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman
Douglas Shaffer
David Tollett

Nay – None
Absent – None

5. Citizens' Forum

The Mayor recognized Alton Echols of 400 Custer Court, Berryville, who said the 73 bed assisted living facility he is planning is on hold because of Dodd/Frank regulations and highlighted plans for a new senior housing proposal.

Mayor Kirby recognized Sue Ross who represents Berryville Main Street. She said representatives from Berryville Main Street will be attending the Council meetings to provide updates on the activities of the organization.

6. Report of Wilson Kirby, Mayor

Mayor Kirby said that Master Patrol Officer Joey Adams retired at the end of December. He asked the Clerk to read a resolution in recognition of Officer Adams. **Council member Tollett moved that the Council of the Town of Berryville adopt the resolution as read. Council member Kitselman seconded the motion which carried as follows:**

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman
Douglas Shaffer
David Tollett

Nay – None
Absent – None

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF BERRYVILLE
RECOGNIZING MASTER PATROL OFFICER JOEY ADAMS FOR A DISTINGUISHED CAREER
AS A POLICE OFFICER

WHEREAS, Master Patrol Officer Joey Adams began working for the Berryville Police Department on March 1, 1990, and for twenty-five years loyally served the community of Berryville until his retirement on December 31, 2015; and,

WHEREAS, During those twenty-five years of service Officer Adams served the police department as a Speed Measurement Instructor, Field Training Officer, and Vehicle Fleet Manager, and all of those additional duties helped to maintain a professional, well trained, and safe department; and,

WHEREAS, In addition to serving as a training officer for the department, Officer Adams also spent countless hours as an instructor for basic law enforcement officer candidates at the regional training academy, thereby leaving a lasting impression upon those just beginning their careers in law enforcement; and,

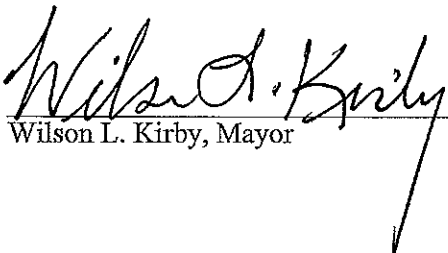
WHEREAS, Because of his caring demeanor and outgoing personality "Joey" was often requested by name when a citizen needed to speak with a police officer; a clear indication that Officer Adams was true to the tenets of community policing; and,

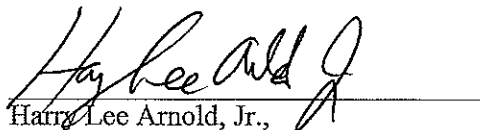
WHEREAS, Officer Adams often took special interest in issues and investigations that were brought to his attention by spending additional time looking for innovative solutions to the core problem above and beyond what was required of him as a police officer; and throughout the process would always make himself available to the parties involved; and,

WHEREAS, Because of the professional and compassionate manner in which he conducted himself while a police officer for the Town of Berryville serving as a true guardian of the community, he favorably affected countless lives and provided a positive role-model of what a true police officer should be; and,

NOW, THEREFORE BE IT RESOLVED that the Council of the Town of Berryville hereby salutes Master Patrol Officer Joey Adams for a distinguished career serving the Town and thanks him for his devoted service to the Town's residents.

By Order of the Council of the Town of Berryville on this the twelfth day of January, 2016.


Wilson L. Kirby, Mayor


Harry Lee Arnold, Jr.,

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7. Report of Christy Dunkle, Asst. Town Manager for Community Development

Ms. Dunkle said that a release of the bonds has been requested by Mr. Echols of Ketocin Land Company. She said staff recommends retaining ten percent of the bonds for both McClellan and Chamberlain streets and for Section 4B (Delany and Beauregard courts). **Recorder Arnold moved that the Council of the Town of Berryville approve the bond reductions in the following amounts: Chamberlain and McClellan streets, \$2,390.25; Section 4B (Delany and Beauregard courts): Public Improvements, \$15,269.10 and Erosion and Sediment Control, \$1,680.00. Council member Shaffer seconded the motion which carried as follows:**

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman
Douglas Shaffer
David Tollett

Nay – None
Absent – None

Ms. Dunkle said staff has completed paperwork for the addition of a portion of Chamberlain Street to the VDOT Urban Highway System and Maintenance Inventory. **Council member Tollett moved that the Council of the Town of Berryville approve the following resolution requesting VDOT acceptance of a portion of Chamberlain Street for inclusion in the VDOT Urban Highway System and Maintenance Inventory in order for the Town to receive municipal assistance maintenance funding. Council member Kitselman seconded the motion which carried as follows:**

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman
Douglas Shaffer
David Tollett

Nay – None
Absent – None

RESOLUTION OF GOVERNING BODY OF
The Town of Berryville

The governing body of the Town of Berryville, Virginia, consisting of 6 members, in a duly called meeting held on the 12th day of January, 2016 at which a quorum was present, RESOLVED as follows:

A RESOLUTION: REQUESTING ACCEPTANCE OF A PORTION OF CHAMBERLAIN STREET INTO THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) URBAN HIGHWAY SYSTEM AND MAINTENANCE INVENTORY

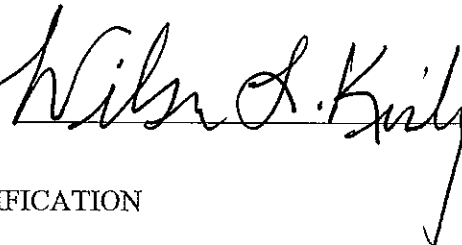
WHEREAS, the street referenced above has been completed and is now eligible for VDOT maintenance funding; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Berryville, Virginia hereby requests VDOT to accept the street referenced above as identified on the attached U-1 form and accompanying documentation into the Urban Highway System and Maintenance Inventory for maintenance payments in accordance with § 33.1-41.1 of the Code of Virginia, 1950 as amended.

Passed this 12th day of January, 2016.

THE TOWN OF BERRYVILLE

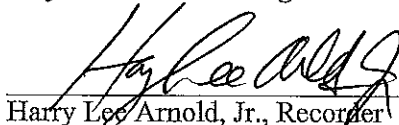
Attest:



By: Wilson L. Kirby, Mayor

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the Council of the Town of Berryville, in a duly assembled meeting on the 12th day of January, 2016.


Harry Lee Arnold, Jr., Recorder

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8. Report of Keith Dalton, Town Manager

Regarding the Spot Blight Abatement issue, Mr. Dalton said Ms. McDonald had made some excellent points, but noted that the Town cannot enforce covenants. He said the Council could direct staff to ask FNMA to have a conversation with the homeowners association and could send the covenants to FNMA.

Recorder Arnold said he is comfortable with the proposal, but is in favor of letting FNMA perform the work within three weeks as they have stated and asking them for resolution on the insurance issue. He added that three weeks will pass before the time for the public hearing, and Council can then make an informed decision.

By consensus, the public hearing was set for February 9, 2016, and the Town Manager was directed to move forward with his response to FNMA.

9. Report of H. Allen Kitselman, III – Berryville Area Development Authority Liaison

Council member Kitselman said the BADA will meet on January 20 to hold a public hearing on the revised Berryville Area Plan.

10. Report of Harry Lee Arnold, Jr., - Chair, Budget and Finance Committee

Recorder Arnold said a budget calendar has been prepared. Mr. Dalton noted that if no conflicts have been reported to Recorder Arnold by Friday, the calendar will be considered finalized.

11. Report of H. Allen Kitselman, III - Chair, Community Improvements Committee

Council member Kitselman said he and Ms. Dunkle will finalize the letter to legislators asking for help with funding the wayfinding sign project.

12. Report of Douglas A. Shaffer – Planning Commission Liaison

Council member Shaffer had nothing to report.

13. Report – Police and Security Committee

Chief White reported that Donald Mason has been hired as a police officer.

14. Report of Wilson Kirby – Chair, Streets and Utilities Committee

Mr. Dalton said the Committee will be setting a meeting to address Jack Enders Blvd. and to review street work priorities.

15. Report of Harry Lee Arnold, Jr. – Chair, Personnel Committee

Upon motion of Wilson Kirby, seconded by Harry Lee Arnold, Jr., the minutes of the Personnel Committee meetings of 1/04/2016 and 1/05/2016 were approved.

Recorder Arnold moved that in accordance with Section 3.5 of the Berryville Charter, the Council of the Town of Berryville appoint J. Bryant Condrey to the Berryville Town Council as Ward 3 representative to fill the unexpired term of Mary Daniel effective immediately for a term to expire June 30, 2016. Council member Shaffer seconded the motion which carried as follows:

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman

Douglas Shaffer
David Tollett

Nay – None
Absent -None

Recorder Arnold moved that the Council of the Town of Berryville recommend that the Circuit Court of Clarke County appoint Krishan Mathur to fill an unexpired five-year term on the Berryville Board of Zoning Appeals effective immediately and ending on June 12, 2017. Council member Allen Kitselman seconded the motion which carried as follows:

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman
Douglas Shaffer
David Tollett

Nay – None
Absent – None

Recorder Arnold moved that the Council of the Town of Berryville recommend that the Circuit Court of Clarke County appoint Kara Rodriguez to the Berryville Board of Zoning Appeals for a five-year term effective immediately and ending on December 31, 2020. Council member Allen Kitselman seconded the motion which carried as follows:

Aye – Wilson Kirby
Harry Lee Arnold, Jr.
Allen Kitselman
Douglas Shaffer
David Tollett

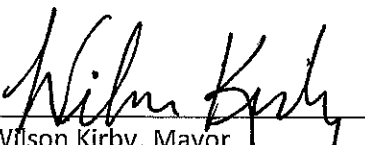
Nay – None
Absent – None

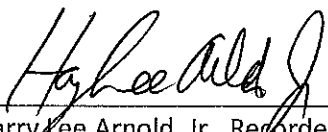
16. Other

Mayor Kirby recognized Coach Chris Parker and football players Matthew Dang and Hunter Rodgers from the 2015 Clarke County High School football team. He praised them for a good season and told them the community had enjoyed supporting them during the season. Coach Parker thanked the community for the sendoff gathering in town on the day the team left for the state final game.

Adjourn

There being no other business, upon motion of Council member Kitselman, seconded by Council member Shaffer, the meeting was adjourned at 8:26 p.m.


Wilson Kirby, Mayor


Harry Lee Arnold, Jr., Recorder

**BERRYVILLE TOWN COUNCIL
PERSONNEL COMMITTEE
Monday, January 4, 2016
Berryville-Clarke County Government Center
2:00 p.m.**

MINUTES

Roll:

Town Council:

Present: Harry Lee Arnold, Jr., Chairman; Wilson Kirby

Staff: Keith Dalton, Town Manager

Press: None

Public: Bryant Condrey, Patricia Dickinson

1. Call to Order

Chairman Arnold called the meeting to order at 2:00 p.m.

2. Closed Session - Pursuant to Section 2.2-3711-A-1 of the Code of Virginia, 1950, as amended, for the purpose of interviewing candidates for appointment to Town boards and commissions.

a. Motion to enter Closed Session

Mr. Kirby moved that the Personnel Committee of the Council of the Town of Berryville enter a closed meeting in accordance with §2.2-3711-A-1, Code of Virginia, 1950, as amended, for the purpose of interviewing candidates for appointment to Town boards and commissions. Mr. Arnold seconded the motion which carried unanimously.

b. Reconvene Open Session and Certification of Closed Session

The Committee reconvened in open session. Mr. Kirby moved that the following Resolution Concerning Certification of the Closed Session be adopted. Mr. Arnold seconded the motion which carried on the following roll call vote:

Mr. Arnold – Aye

Mr. Kirby – Aye

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, Virginia, has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Committee that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

3. Adjourn

There being no further business, the meeting was adjourned at 3:50 p.m.

**BERRYVILLE TOWN COUNCIL
PERSONNEL COMMITTEE
Tuesday, January 5, 2016
Berryville-Clarke County Government Center
2:00 p.m.**

MINUTES

Roll:

Town Council:

Present: Harry Lee Arnold, Jr., Chairman; Wilson Kirby

Staff: Keith Dalton, Town Manager; Christy Dunkle, Planner/Asst. Town Manager

Press: None

Public: Krish Mathur, Kara Rodriguez

1. Call to Order

Chairman Arnold called the meeting to order at 2:00 p.m.

2. Closed Session - Pursuant to Section 2.2-3711-A-1 of the Code of Virginia, 1950, as amended, for the purpose of interviewing candidates for appointment to Town boards and commissions.

a. Motion to enter Closed Session

Mr. Kirby moved that the Personnel Committee of the Council of the Town of Berryville enter a closed meeting in accordance with §2.2-3711-A-1, Code of Virginia, 1950, as amended, for the purpose of interviewing candidates for appointment to Town boards and commissions. Mr. Arnold seconded the motion which carried unanimously.

b. Reconvene Open Session and Certification of Closed Session

The Committee reconvened in open session. Mr. Kirby moved that the following Resolution Concerning Certification of the Closed Session be adopted. Mr. Arnold seconded the motion which carried on the following roll call vote:

Mr. Arnold – Aye

Mr. Kirby – Aye

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, Virginia, has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Committee that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

3. Discussion – Recommendation for appointment to Town Boards.

Mr. Kirby moved to send the following recommendation to Town Council:

Bryant Condrey to be appointed to Town Council from Ward 3 filling the unexpired term of Mary Daniel who resigned

Krish Mathur to be appointed to the Board of Zoning Appeals

Kara Rodriguez to be appointed to the Board of Zoning Appeals

Mr. Arnold seconded the motion which carried unanimously.

4. Adjourn

There being no further business, the meeting was adjourned at 3:29 p.m.